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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KATHERINE DEE FLETCHER,

Plaintiff,

v.

DREESSEN, *et al.*,

Defendants.

Case No. 2:22-cv-01777-MMD-NJK

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO FILE A
MOTION TO DISMISS
[FIRST REQUEST]**

Defendant, Timothy Calumpong (Calumpong), Lenora Clinkscales (Clinkscales), Ella Cordovez (Cordovez), Frank Dreesen (Dreesen), James Howard (Howard), Hilary Hudson (Hudson), Jennifer Nash (Nash), Vetsalett Richard (Richard), Jessica Sapon-Orozco (Sapon-Orozco), Toni Rose Shegina (Shegina), Denise Smith (Smith), and Shelly Ann Weigert (Weigert) (collectively "Defendants"), by and through counsel, Aaron D. Ford, Nevada Attorney General, and Samuel L. Pezone, Jr., Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby request an extension of time to file a motion to dismiss the Second Amended Complaint, ECF No. 116. This is Defendants' first requested extension of the subject deadline.

MEMORANDUM OF POINTS AND AUTHORITY

I. APPLICABLE LAW

Pursuant to Fed. R. Civ. P. 6(b), the "court may, for good cause, extend the time . . . with or without motion or notice . . . if a request is made, before the original time or its

1 extension expires,” or “on motion made after the time has expired if the party failed to act
2 because of excusable neglect.”

3 To demonstrate good cause, the party seeking modification must show “that, even in
4 the exercise of due diligence, [the party was] unable to meet the timetable set forth in the
5 order.” *Cruz v. City of Anaheim*, CV-1003997-MMM-JEMX, 2011 WL 13214312, at *2 (C.D.
6 Cal. Dec. 19, 2011) (citing *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087
7 (9th Cir. 2002); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)).
8 Prejudice to the opposing party is a factor in determining good cause, though lack of
9 prejudice is “not a prerequisite.” *Id.*

10 **II. ARGUMENT**

11 Defendant seeks an extension of time to file a motion to dismiss the Complaint.
12 Pursuant to ECF No. 138, the deadline to file a response to the Second Amended Complaint
13 is November 4, 2024. Good cause is present to extend this deadline until November 8, 2024.

14 Due to the previous and short-lived appeal in this case and intervening deadlines,
15 undersigned counsel was only able to begin a draft of Defendant’s Motion to Dismiss on
16 Friday, November 1, 2024. Counsel was unsure if the Ninth Circuit would dismiss the
17 appeal before this deadline expired, which would have necessitated a request to stay the
18 case below. Since the dismissal of the appeal, deadlines in other cases to move for summary
19 judgment, respond to discovery, as well as various hearings and appearances have
20 prevented counsel from beginning work any earlier. To date, counsel has completed a draft
21 of the Defendants’ Motion to Dismiss, which is awaiting review by his superiors.

22 A four (4) day extension to November 8, 2024, will allow undersigned counsel
23 adequate time to finalize Defendants’ Motion to Dismiss. Plaintiff will not be prejudiced
24 by this extension, as Defendants are not asking for a lengthy extension.

25 Accordingly, Defendants respectfully request that this extension be granted for good
26 cause shown. *See Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1260 (9th Cir. 2010)
27 (holding that the “district court abused its discretion in denying party’s timely motion” to
28 extend time because the party “demonstrated the ‘good cause’ required by Rule 6, and

1 because there was no reason to believe that [the party] was acting in bad faith or was
2 misrepresenting his reasons for asking for the extension”).

3 **III. CONCLUSION**

4 Good cause exists for a brief extension of the deadline to respond to the Second
5 Amended Complaint. This is the first request presented by Defendants seeking an
6 extension of the deadline. There will be no prejudice to the Plaintiff in granting a four-day
7 extension of time.

8 DATED this 4th day of November, 2024.

9 AARON D. FORD
10 Attorney General

11 By: /s/ Samuel L. Pezone Jr.
12 SAMUEL L. PEZONE JR. (Bar No. 15978)
13 Deputy Attorney General

14 *Attorneys for Defendants*

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21 IT IS SO ORDERED.

Dated: November 5, 2024

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26 Nancy J. Koppe
27 United States Magistrate Judge
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